

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Marilyn C. Olson-Munoz, et al  
 Serial No.: 10/564,136  
 371(c) File Date: 01/10/2006  
 Entitled: Assays for the Direct Measurement of Gene Dosage

Group No.:  
 Examiner:

**RESPONSE TO NOTIFICATION OF  
 MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
 IN THE UNITED STATES DESIGNATED/ELECTED  
 OFFICE (DO/EO/US) MAILED 05/16/2006**

**MAIL STOP MISSING PARTS**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)(1)(I)(A)	
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: <b>Mail Stop Missing Parts</b> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Date: <u>September 12, 2006</u>	By: <u>Jennifer B. Xistris</u> Jennifer B. Xistris

Sir or Madam:

In response to the **Notification Of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US)** mailed **05/16/2006** (a copy of which is enclosed), applicant(s) submit(s) the following documents:

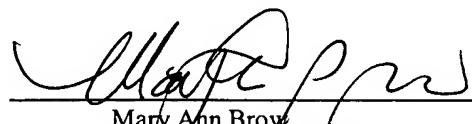
- Executed Declaration or Oath;
- An Assignment document for recording, whereby the subject application and the invention disclosed therein is assigned to: **Third Wave Technologies**; and a Recordation Form Cover Sheet – Patents Only (Form PTO-1595);
- Power Of Attorney By Assignee;
- Extension of Time for filing within the second month;

A check in the amount of **\$330.00** is enclosed herewith to cover:

**\$65.00** Surcharge for filing missing parts of an application  
**\$40.00** Assignment Recordation Fee  
**\$225.00** Two-Month Extension of Time

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s), and/or credit any overpayment, to **Deposit Account No. 08-1290**. An originally executed duplicate of this transmittal is enclosed for this purpose.

Date: September 12, 2006

  
 Mary Ann Brown  
 Registration No. 42,363  
**MEDLEN & CARROLL, LLP**  
 101 Howard Street, Suite 350  
 San Francisco, California 94105



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/564,136	Marilyn C. Olson-Munoz	FORS-10718

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**RECEIVED**

MAY 19 2006

MEDLEN &amp; CARROLL

INTERNATIONAL APPLICATION NO.

PCT/US04/22014

I.A. FILING DATE

07/09/2004

PRIORITY DATE

07/10/2003

CONFIRMATION NO. 6116

371 FORMALITIES LETTER



\*OC000000018814358\*

Date Mailed: 05/16/2006

Resp. 7/16/06 RSO

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/10/2006
- Copy of the International Search Report filed on 02/24/2006
- U.S. Basic National Fees filed on 01/10/2006
- Priority Documents filed on 01/10/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention

is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST:
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

09/20/2006 HKAYPAGH 00000109 10564136

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65.00 OP

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/564,136	PCT/US04/22014	FORS-10718

FORM PCT/DO/EO/905 (371 Formalities Notice)